

ROBERT J. DEL ROSARIO
P.O. BOX 7394 IN THE DISTRICT COURT OF GUAM
TAN. GUAM 96931 Territory of Guam
671-637-8942

ROBERT J. DEL ROSARIO

Civil Case No. 04-00028

Plaintiff

AFFIDAVIT OF PLAINTIFF

vs.

JAPAN AIRLINES INTERNATIONAL
CO., LTD.

Defendant

FILED
DISTRICT COURT OF GUAM
MAR - 7 2006 9⁹
MARY L.M. MORAN
CLERK OF COURT

Background:

On March 1, 2006, at 9:00 a.m., a status conference was held, appearing at that time on behalf of the Plaintiff, was attorney William Gavras.

Mr. David Ledger, counsel for Defendant advised the Court he accepted on February 24, 2006, stated what he believed was a valid counter offer proposed by Plaintiff. Mr. David Ledger further informed the Court that on February 27, 2006, counsel for Plaintiff, Atty. William Gavras advised him that the Plaintiff now wanted to proceed with the trial.

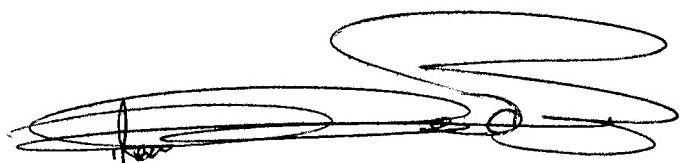
Mr. David Ledger stated further that the deposition that the Defendant had noticed on Friday, March 3, 2006, will be cancelled since the Defendant believes that said deposition is no longer necessary. Thereby, making the Defendant's belief that a valid and enforceable settlement was reached between the Parties.

Plaintiff on the other hand deny that there was in fact a binding settlement agreement between him and Defendant Japan Airlines. The Plaintiff instead wanted to continue his case to trial in court. The reason behind his decision are as follows:

1. On February 13, 2006, Plaintiff received from his counsel Atty. William Gavras a proposed out of Court settlement from Japan Airlines six (6) figures.
2. On February 14, 2006, Plaintiff advised his counsel that he is not accepting the offer.
3. On or about February 15, 2006, Plaintiff submitted a counter offer.
4. The alleged binding settlement Agreement mentioned on February 27, 2006 by counsel for Defendant Atty. David Ledger did not exist and I have not approved any because we still have a continuing negotiations.
5. Counsel for Plaintiff, Attorney William Gavras informed Plaintiff in the Philippines that a settlement has been concluded by him in six (6) figures. Plaintiff later on found out the

- figure that he proposed and other requirements were not followed.
6. Plaintiff disavowed this Agreement that his counsel and Defendant counsel concluded because Plaintiff did not authorized this action.
 7. **THEREFORE**, Plaintiff believes because the current posture of the case and uncertainty surrounding the alleged settlement, to continue to Court trial.

Respectfully submitted on 7th of March 2006.



ROBERT J. DEL ROSARIO
Plaintiff